

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

IN RE: FREDRICO V. FRYE,	{	CHAPTER 13
	{	
	{	
DEBTOR(S)	{	CASE NO. R18-40539PWB
	{	
	{	JUDGE BONAPFEL

OBJECTION TO CONFIRMATION

COMES NOW Mary Ida Townson, TRUSTEE herein, and objects to Confirmation of the plan for the following reasons:

1. The Debtor(s)' payments under the proposed plan are not current.

2. The Debtor(s) has proposed to make payments directly to the Trustee but should be required to have them remitted by payroll deduction.

3. The Plan as proposed will extend beyond sixty (60) months, contrary to 11 U.S.C. Section 1322(d). (81 months).

4. The Debtor(s) has failed to provide the Trustee with a copy of the federal tax return or transcript of such return for the most recent tax year ending immediately before the commencement of the instant case and for which a federal income tax return was filed, in violation of 11 U.S.C. Section 521(e)(2)(A)(i).

5. The Debtor(s)' has/have not filed copies of all payment advices or other evidence of payments received within sixty (60) days before the date of the filing of the petition as required by 11 U.S.C. §521(a)(1)(B)(iv) and Rule 1007(b)(1)(E) F.R. Bankr. P.

6. Pursuant to information received from the Internal Revenue Service, 2013, 2016-2017 tax returns have not been provided to the taxing authorities; thereby, preventing the Chapter 13 Trustee from evaluating the feasibility of the Chapter 13 plan, in violation of 11 U.S.C. Sections 1322(d) and 1325(a)(6).

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7. The Chapter 13 budget fails to include expenses for lease payments; thereby, possibly rendering the proposed Chapter 13 plan payment to be infeasible, in violation of 11 U.S.C. Section 1325(a)(6).

8. The 2016(b) Disclosure Statement and the Chapter 13 plan are inconsistent with regard to the attorney's fees received pre-petition or to be paid in the plan, or both, in violation of 11 U.S.C. Section 329 and Bankruptcy Rules 2016(b) and 2017.

9. Pursuant to information received from the Meeting of Creditors, 2016-2017 state and federal tax return(s) have not been provided to the taxing authorities; thereby, preventing the Chapter 13 Trustee from evaluating the feasibility of the Chapter 13 plan, in violation of 11 U.S.C. Section 1322(d) and 1325(a)(6).

10. The Debtor has failed to file tax returns with the tax authorities for the four (4) year period prior to filing in violation of 11 U.S.C. Section 1308.

11. The funding of post-petition lease installments have not been maintained in the above-styled Chapter 13 case; thereby rendering the present budget and proposed plan infeasible, 11 U.S.C. Section 1325 (a)(6).

WHEREFORE, the Trustee moves the Court to inquire into the above objections, deny confirmation of this Debtor's(s') Plan and to dismiss the case; or, in the alternative, convert the case to one under Chapter 7.

April 18, 2018

/s
Albert C. Guthrie, Esq.
for Chapter 13 Trustee
GA Bar No. 142399

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CERTIFICATE OF SERVICE

This is to certify that I have this day served

DEBTOR(S):

FREDRICO V. FRYE
51 RIDGE ROW DR APT 308
CARTERSVILLE, GA 30120

ATTORNEY FOR DEBTOR(S):

SLIPAKOFF & SLOMKA, PC
2859 PACES FERRY RD, SE
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ATLANTA, GA 30339

in the above in the foregoing matter with a copy of this pleading
by depositing same in the United States Mail in a properly
addressed envelope with adequate postage thereon.

This 18th day of April, 2018

_____/s
Albert C. Guthrie, Esq.
for Chapter 13 Trustee
GA Bar No. 142399

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